

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYLIER WARD,

Plaintiff,

v.

UNKNOWN LOVEBERRY, et al.,

Defendants.

Case No. 1:22-cv-1033

HON. JANE M. BECKERING

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ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 39) on August 19, 2024, recommending that this Court dismiss with prejudice Plaintiff's remaining claims against Defendant Loveberry for Plaintiff's failure to prosecute. The Magistrate Judge also recommended that an appeal of this matter would be frivolous and not in good faith. The Report and Recommendation was duly served on the remaining parties that have appeared to date.¹ No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 39) is APPROVED and ADOPTED as the Opinion of the Court. Plaintiff's remaining claims against Defendant Loveberry are DISMISSED with prejudice for Plaintiff's failure to prosecute.

¹ Service of the Report and Recommendation on Plaintiff was returned, marked "return to sender," "attempted – not known," "unable to forward," and "discharged" (ECF No. 40). Plaintiff has failed to keep the Court apprised of his current address.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith because Plaintiff failed to file any objections to the Report and Recommendation. *See McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: September 17, 2024

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge